IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 956 of 2005 (S/S)

Prakash Chandra Maikhuri
S/o Shri Gangadhar Maikhuri
R/o Village maikhana
Patwari Circle Langasu
Tehsil Karanprayag
District Chamoli …Petitioner

Versus

1. State of Uttaranchal through Secretary
   Panchayati Raj
   Civil Secretariat
   Uttaranchal, Dehradun
2. Chief Development Officer
   Chamoli
3. Block Development Officer
   Karanprayag (Chamoli) …Respondents

Sri R.P. Nautiyal, learned counsel for the petitioner
Sri Paresh Tripathi, learned standing counsel for the respondents

Hon'ble B.C. Kandpal, J.

By means of this writ petition a relief has been sought in the nature of certiorari quashing the impugned transfer order dated 06.07.2005 (annexure No. 5 to the petition) passed by the respondent No. 2 i.e. Chief Department Officer.

Brief facts giving rise to this petition are that the petitioner was appointed as Village Panchayat Development Officer by the competent authority on 17.08.1995 and he was given posting in Block Office Salt, Tehsil Bhikiyasain, District Almora. Thereafter, vide order dated 22.05.1999 passed by the authority concerned, the petitioner was transferred from Block Office Salt, Tehsil Bhikiyasain, District Almora to Block Karanprayag, District Chamoli, where the petitioner joined his services on the post of Village Panchayat Development Officer on 08.06.1999.

On 20.11.2003 the Block Development Officer, Karanprayag, District Chamoli passed an order by which he directed for construction of

Community Center Meeting Center (Sabhagaar) in Block Karanprayag, District Chamoli on the estimate of Rs. 12.75 lakhs and it was also observed that the work will be taken from the local labourer on daily wages basis and available muster roll.

In the compliance of the order dated 20.11.2003, the petitioner stated the work of construction and the work order is also in the name of petitioner and at present 90% of work has completed and only doors and windows are to be fixed in the building. In between, the Block Development Officer, Karanprayag, District Chamoli sent several letters to the petitioner in order to complete the construction of the Community Meeting Centre (Sabhagaar) within the prescribed period. Thereafter on 06.07.2005, the Chief Development Officer, Chamoli passed an order, by which he has transferred 12 Block Development Officers from the present place of posting to another places.

When the petitioner came to know about transfer, on 08.07.2005 he immediately submitted his representation before the Block Development Officer, Block Karanprayag, District Chamoli stating therein that the petitioner had purchased the construction materials of Rs. 62,387.00 for local traders as well as Rs. 97,930.00 to the local labourers which has not been paid by the department so far.

Feeling aggrieved by the aforesaid impugned transfer order, the petitioner has preferred this writ petition before this Court.

Heard learned counsel for the petitioner as well as learned standing counsel for the State and perused the record.

Learned counsel for the petitioner has submitted that it is in the interest of justice that the petitioner be not relieved from the present place of posting, until the payment amounting to Rs. 1,60,317.00 be made to the local traders as well as local labourers.

The record shows that the petitioner has already made a representation before the respondent No. 3 i.e. Block Development Officer, Chamoli on 08.07.2005 which has been filed as annexure 6 to the petition and that representation is yet to be decided.

In view of above discussion, the respondent No. 3 is directed to decide the representation of the petitioner dated 08.07.2005 provided the petitioner shall file the certified copy of the judgment passed by this Court within a period of 15 days and the respondent No. 3 shall thereafter decide the representation of the petitioner within a period of 15 days by passing the speaking and reasoned order.

With the aforesaid observations, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

15.07.2005
ASWAL